

REMARKS

Claims 1-11 are pending in this application. Claims 1, 3, 6 and 10 are amended. Claims 12-14 are added. The amendments do not add new matter. Entry of the amendments at this time is proper.

Favorable reconsideration and allowance of the present patent application are respectfully requested. This amendment, in conjunction with the following remarks, is believed to place the application in immediate condition for allowance. Accordingly, entry of this amendment and favorable reconsideration of the application are respectfully requested in view of the foregoing amendments and following remarks.

Though claims 1, 3, 6, and 10 are amended, Applicant does not concede that the Office Action's statutory rejection is proper. The amendments are understood to not narrow the scope of the claimed embodiments, nor have they been made for reasons related to patentability. Rather, the amendments have been made to clarify the claimed embodiments. Thus, in future construction or interpretation, the amended claims should be entitled to a full range of equivalents.

Applicant acknowledges with appreciation that the Examiner indicates that the Information Disclosure Statement filed March 31, 2003, has been considered. Applicant also notes that acknowledgement has been made for foreign priority under 35 U.S.C. § 119.

ALLOWABLE SUBJECT MATTER

Applicant notes with appreciation the indication on page 5 of the Office Action that claims 6-7 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claim 6 is amended to be placed into independent form with all the limitations of base claim 1. Therefore, claims 6-7 contain allowable subject matter.

REJECTIONS

Claim 10 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1, 4, 8, and 11 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,317,605 (Sakuma). Claims 2-3 and 9 stand rejected under 35 U.S.C. § 103(a) as allegedly rendered obvious by Sakuma in view of U.S. Patent No. 6,470,447 (Lambert et al.). Claim 5 stands rejected under 35 U.S.C. § 103(a) as allegedly rendered obvious Sakuma. Applicant respectfully traverses the rejections in view of the foregoing amendments and the following remarks.

Claim 10

Claim 10 is rejected as allegedly being indefinite for failing to provide antecedent basis for an other terminal location database. Applicant amends claim 10 to provide antecedent basis for this limitation. Thus, Applicant respectfully

requests that the Examiner withdraw the indefiniteness rejection of claim 10. Further, Applicant notes that no patents or publications were cited against claim 10. Therefore, Applicant must assume that claim 10 is distinguishable over the applied art. Thus, Applicant maintains that claim 10 recites allowable subject matter.

Claims 1, 4, 8, and 11 are not anticipated

Claims 1, 4, 8, and 11 are rejected as allegedly being anticipated Sakuma. These rejections are respectfully traversed.

To anticipate, each and every element of the claimed embodiments must be disclosed by the cited patent. Applicant maintains that Sakuma does not disclose each and every limitation of independent claim 1. Specifically, Sakuma does not disclose communicating with the destination wireless terminal to share data between the wireless terminal and the destination wireless terminal when the wireless terminal has received the position information of the destination wireless terminal from the terminal location database.

Sakuma relates to a mobile communication system with a location information database storing location data and map data for each of the radio cell stations. If a designated terminal PS₂ is located in a service area, the location data of the designated terminal PS₂ is read from database 101 and then a location information response message is transmitted back to the mobile terminal PS₁. After the location data of the self terminal and the designated terminal are

received, the map data MAP₁ in the vicinity of the radio cell station CS₁ is downloaded from the database 101 to the mobile terminal PS₁. A processor 202 of mobile terminal PS₁ stores the received map data onto RAM 204 to display the map together with the locations of terminal PS₁ and terminal PS₂ on display 207. Sakuma does not disclose communicating with terminal PS₂ to share data between terminal PS₁ and terminal PS₂ when terminal PS₁ has received the position information of terminal PS₂ from database 101.

Sakuma describes downloading maps after the positions of terminals PS₁ and PS₂ are determined. Sakuma does not establish direct communication between the terminals PS₁ and PS₂ to share data. For example, terminals PS₁ and PS₂ do not directly communicate with each other in downloading the maps. Therefore, Sakuma does not disclose communicating with the destination wireless terminal to share data between the wireless terminal and the destination wireless terminal when the wireless terminal has received the position information of the destination wireless terminal from the terminal location database, as recited in claim 1. Thus, Applicant respectfully requests that the anticipation rejections of claims 1, 4, 8, and 11 be withdrawn.

Claims 2-3, 5, and 9 are not rendered obvious

Claims 2-3 and 9 are rejected as allegedly rendered obvious by Sakuma in view of Lambert. Claim 5 is rejected as allegedly rendered obvious by Sakuma.

Applicant respectfully traverses in view of the foregoing amendments and following remarks.

To establish obviousness, the Office Action must meet three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. MPEP § 2143. Applicant respectfully maintains that the Office Action fails to establish obviousness with respect to claims 2-3, 5, and 9.

Claim 5 depends from independent claim 1. If an independent claim is non-obvious, then any claim depending from the independent claim is non-obvious. MPEP § 2143.03. Thus, Applicant maintains that claim 5 is non-obvious for at least this reason.

As noted above, Sakuma fails to disclose all the limitations of claim 1. Sakuma also fails to disclose all the limitations of independent claim 3. Specifically, Sakuma fails to disclose communicating from a wireless terminal to a destination wireless terminal to share data between the wireless terminal and the destination wireless terminal based on the broadcast position and address. Sakuma also does not suggest these features. Applicant maintains that Lambert does not disclose or suggest those features missing from Sakuma.

Lambert relates to enabling conformance to legislative requirements for mobile devices. A mobile computing device 10 communicates via a base station 70 and network 80 with a remote computing device 90. An application service component on the mobile device checks the cryptographic requirements of the identified country of the location of the mobile device. This action implements a policy of only checking local requirements, which apply to the current device location and current application requirements or implements policy of one or both communication devices for checking legislative requirements that apply to both ends of the communication link. Lambert does not disclose or suggest the feature of communicating with a destination wireless terminal to share data between a wireless terminal and the destination wireless terminal when the wireless terminal has received the position information of the destination wireless terminal from a terminal location database. Lambert does not describe communication directly between two global devices to share data. Thus, all the features of the claimed embodiments are not disclosed or suggested by the cited patents.

Further, the Office Action also does not provide any evidence of a motivation to combine Sakuma and Lambert, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to achieve Applicant's invention. Lambert relates to controlling the performance of a mobile device in accordance with legislative requirements of a particular location of the mobile device and the location of the computer device with which it is to communicate. Lambert does not describe downloading maps or other information,

as described in Sakuma. Further, Lambert does not seek to establish a communication link between mobile device 10 and other mobile devices. In contrast, Sakuma describes receiving maps from the location information database 101 to the mobile terminal PS₁. One skilled in the art would not be motivated to combine the legislative requirement control of a mobile device of Lambert with the mobile communication system of Sakuma to receive and display map information. Thus, for at least these reasons, claims 2-3, 5, and 9 are not rendered obvious, and Applicant respectfully requests that the Examiner withdraw the obviousness rejections.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact William F. Nixon (Reg. No. 44,262) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 09/679,816


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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